

)	
JASON LEVITT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case no. 1:10cv296 (AJT/IDD)
)	
JOSHUA KAUFFMAN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

Plaintiffs JASON LEVITT and FULL SPECTRUM POWER, LLC (collectively “Plaintiffs”) and Defendants JOSHUA KAUFFMAN and NAVITUS, LLC (collectively “Defendants”), by counsel, submit the following Joint Rule 26(f) Discovery Plan in accordance with the Court’s Scheduling Order of May 11, 2010.

On June 14, 2010, counsel for the parties conferred regarding the matters set forth in Fed. R. Civ. P. 26(f). Counsel for the parties have discussed the nature and basis of their claims and defenses and discussed possible settlement. Plaintiffs believe that this matter can be settled promptly without further litigation and have made an offer to Defendants which should resolve all issues in the case. Plaintiffs understand that Defendants are considering that offer as of the date of this report.

The parties propose the following arrangement regarding discovery:

1. The parties will submit the disclosures required by Rule 26(a)(1) within fourteen (14) days after the Rule 16(b) Initial Pretrial Conference scheduled for June 23, 2010.

2. The parties will conduct discovery on the subjects related to the issues in the Complaint, the Answer, and the Counterclaim.

3. The parties are not aware of any factors at this time that would require a change in the limitations on discovery imposed by the Federal Rules of Civil Procedure, the Local Rules of this Court, or the May 11, 2010 Order.

4. The parties agree to seek entry of a Protective Order by the Court in the event that confidential proprietary or personnel information is required to be disclosed during discovery.

5. The parties do not anticipate requiring exceptions to the Court's normal scheduling procedures regarding the joinder of parties, amendment of pleadings, or filing of motions.

6. To the extent expert witness disclosures are not addressed by the parties' responses to discovery, the Plaintiffs will provide expert witness disclosures under Rule 26(a)(2) on or before August 13, 2010; Defendants will provide such disclosures on or before September 10, 2010; and Plaintiffs will provide such disclosures as to rebuttal experts on or before September 24, 2010.

7. The parties discussed disclosure and/or discovery of electronically stored information as required by Rule 26(f). The parties also discussed issues relating to privilege or protection of trial preparation materials as required by Rule 26(f)(3). The parties also discussed issues relating to the preservation of discoverable information. As

pertains to discoverable information which may be in electronic format, counsel agreed as follows:

(a) The parties may request, in their document requests and other written discovery, that information stored in electronic form be produced in electronic form pursuant to the requirements and conditions described in Fed. R. Civ. P. 34. Absent an instruction to the contrary by a party seeking discovery, any requested information shall be produced in the standard hard-copy form, provided however, the receiving party reserves the right to request the production of electronic versions of the materials.

(b) Absent an agreement of the parties, a party shall have no obligation to transfer information that is not stored in an electronic format into an electronic format for purposes of discovery.

(c) The parties must take steps to ensure discoverable information is being preserved.

(d) The parties entered into no agreement concerning waiver of the attorney-client privilege or of the attorney work product protection, except that inadvertent or unintentional disclosure of privileged documents does not result in a waiver.

8. The parties agree that papers may not be served herein by facsimile.

9. If settlement on the terms offered by Plaintiffs, or on terms subsequently negotiated, does not occur prior to the Rule 16(b) Pretrial Conference, Plaintiffs respectfully request an immediate Settlement Conference with the Court.

10. At this time, the parties do not agree to the assignment of this case to a Magistrate Judge.

Seen and agreed this 16th day of June 2010:

JASON LEVITT and FULL SPECTRUM
POWER, LLC

By counsel

/s/

Jennifer M. Kies (VA Bar No. 73102)

BRYAN CAVE LLP

1155 F Street, NW

Suite 700

Washington, DC 20004

Phone: (202) 508-6044

Facsimile: (202) 508-6200

jennifer.kies@bryancave.com

Counsel for Plaintiffs

Of Counsel:

Alec W. Farr

BRYAN CAVE LLP

1155 F Street, N.W., Suite 700

Washington, D.C. 20004

Tel.: (202) 508-6053

Fax: (202) 508-6200

awfarr@bryancave.com

JOSHUA KAUFFMAN and NAVITUS LLC

By counsel

/s/

Attison L. Barnes, III (VA Bar No. 30458)

WILEY REIN LLP

1776 K Street, N.W.

Washington, DC 20006

Telephone: (202) 719-7000

Fax: (202) 719-7049

abarnes@wileyrein.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June 2010, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Attison L. Barnes, III, Esq.
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006
Tel.: (202) 719-7000
Fax: (202) 719-7049
abarnes@wileyrein.com
Counsel for Defendants/Counterclaimants

/s/ Jennifer M. Kies

Jennifer M. Kies (VSB #73102)
1155 F Street, NW
Washington, DC 20004
Tel.: (202) 508-6044
Fax: (202) 508-6200
jennifer.kies@bryancave.com
*Counsel for Plaintiffs Jason Levitt and
Full Spectrum Power*